

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>DAVID EARL MILLER,</b>	)	
<b>NICHOLAS TODD SUTTON,</b>	)	
<b>STEPHEN MICHAEL WEST,</b>	)	<b>No. 3:18-cv-01234</b>
<b>TERRY LYNN KING,</b>	)	<b>Judge Campbell</b>
	)	
<b>Plaintiffs,</b>	)	<b>Death Penalty Case</b>
	)	<b><i>Execution date Dec. 6, 2018</i></b>
<b>v.</b>	)	<b><i>for David Miller</i></b>
	)	
<b>TONY PARKER, Commissioner,</b>	)	
<b>Tennessee Department of Correction,</b>	)	
<b>in his official capacity,</b>	)	
	)	
<b>and</b>	)	
	)	
<b>TONY MAYS, Warden,</b>	)	
<b>Riverbend Maximum Security</b>	)	
<b>Institution, in his official capacity,</b>	)	
	)	
<b>Defendants.</b>	)	

---

**NOTICE TO COURT**

---

COMES NOW Plaintiffs David Earl Miller, Nicholas Todd Sutton, Stephen Michael West, and Terry Lynn King, by and through counsel, gives notice to the Court on the status of coordinating a date with opposing counsel for an initial hearing on Plaintiffs' Motion for Temporary Restraining Order (After Notice) and/or Preliminary Injunction (R.7). The undersigned counsel did attempt to contact opposing counsel today to confer on setting a date for the initial hearing, however, opposing counsel is sick and out of the office. The undersigned counsel will

{1}

continue to coordinate with opposing counsel on a hearing date and will notify the Court promptly once the undersigned counsel and opposing counsel are able confer.

Respectfully submitted,

FEDERAL DEFENDER SERVICES  
OF EASTERN TENNESSEE, INC.

BY: s/Stephen M. Kissinger  
Stephen M. Kissinger, WY Bar 5-2342  
Asst. Federal Community Defender  
800 S. Gay Street, Suite 2400  
Knoxville, TN 37929  
Phone: (865) 637-7979  
Facsimile: (865) 637-7999  
[Stephen\\_Kissinger@fd.org](mailto:Stephen_Kissinger@fd.org)

*Attorney for Plaintiffs*

### **CERTIFICATE OF SERVICE**

I hereby certify that on November 5, 2018, this Notice to Court was filed electronically via the Court's electronic filing system upon the following person. Parties may access this filing through the Court's electronic filing system.

Scott C. Sutherland  
Assistant Attorney General  
Law Enforcement Division  
P.O. Box 20207  
Nashville, TN 37202  
(615) 741-2164  
Scott.Sutherland@ag.tn.gov

s/Stephen M. Kissinger  
Stephen M. Kissinger